

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

KIRK COTTOM

Defendants.

**8:13CR108**

**ORDER**

This matter came before the court on the government's oral motion for detention and the defendant's Motion to Amend Conditions of Release (Filing No. 28). Assistant United States Attorney Michael Norris appeared for the government. Joseph Gross, Jr. appeared for defendant, who personally appeared.

The court takes judicial notice of the Indictment and the Pretrial Services reports (Filings No. 18 and 23). The government made a proffer concerning the circumstances of the defendant's arrest. Defense counsel proffered concerning the defendant's job situation. Specifically, the release requirement which required no Internet access at the defendant's place of employment would cause job termination. The parties argued for detention and amended conditions, respectively.

The court finds that the Order Setting Conditions of Release (Filing No. 19-5) sufficiently protects the public and assures the defendant's appearance. However, the court is persuaded that Additional Condition (8) that provides the defendant is prohibited from possessing any devices with Internet access is overbroad for the reasons outlined in the defendant's brief. This condition of release will prohibit the defendant from maintaining his current employment. The court is confident that the defendant's

employer will take whatever precautions it feels appropriate to prevent the defendant from engaging in illegal activities via the Internet.

The court finds that the Order Setting Conditions of Release should be amended to allow the defendant use of computer equipment capable of Internet access only while on the premises and on the job with his current employer, the University of Rochester. His current employer is to be informed of the nature of the charges filed in this matter. The defendant is otherwise prohibited from using or possessing any devices with Internet access.

IT IS ORDERED:

1. The Order Setting Conditions of Release (Filing No. 19-5) is amended to allow the defendant use of computer equipment capable of Internet access only while on the premises, on the job, and within the scope of his duties of his current employer, the University of Rochester. The defendant is prohibited from accessing any child pornographic Web sites or materials. The defendant is otherwise prohibited from using or possessing any devices with Internet access as provided in the Order Setting Conditions of Release.

2. The Pretrial Services officer supervising the defendant shall notify the IT Systems Administrator for the University of Rochester of the nature of the indictment herein.

Dated this 15th day of May, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge